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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,401

11/12/2003

Howard Alvin Lindsay

40983.0500

6851

7590
Snell & Wilmer L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

05/15/2007

EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,401

Applicant(s)

LINDSAY, HOWARD ALVIN

Examiner

Alvin A. Hunter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3, 11, and 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant requires the faceplate to be detachably retained however welding the face plate does not enable the face plate to be detachably retained and appears to enable the faceplate to be permanently retained. Changes to the claims are needed. For examination purposes, the term detachable as recited in claim 1 will not be given weight with respect to claims 3, 11, and 17-20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, 9, 11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Anderson et al. (USPN 5094383).

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Regarding claims 1, 3 and 11, Lo discloses a golf club head comprising a body combination having a body frame structure 20 defining an outer surface of the golf club head and at least one body aperture where the body frame encompassing an aperture filler matrix 30 and 50 wherein the outer surface of the aperture filler matrix is at least in partial contact with the inner surface of the body frame and the inner surface of the filler matrix defines a hollow space, and a face plate 21 wherein the body structure has a face plate aperture comprising a perimeter substantially coincident with the face plate and has a face plate receiving ridge upon which the face plate is retained on the body frame structure (See Figures 2 and 3). Lo does not disclose what type of fastening mechanism is used to fasten the face plate to the body. Anderson et al. discloses a club head wherein the face plate is welding to the body. It is also submitted that Anderson et al. also inherently teaches the use of a coolant system wherein the coolant system is air. One having ordinary skill in the art would have found it obvious to attach the face plate to the body by welding, as taught by Anderson et al., in order to secure the face plate to the body.

Regarding claim 2, Lo discloses a fastening mechanism for fastening the face plate to the frame structure.

Regarding claims 8, see the above regarding claim 1.

Regarding claim 9, see the above regarding claim 2.

Regarding claim 17, see the above regarding claim 1,3, and 8

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Regarding claims 18 and 19, Anderson et al. inherently discloses the heat sink and liquid bath being air because air is a substance used for cooling and it is also a fluid.

Claims 1, 2, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Maxell (USPN 4618149).

Regarding claims 1, 2, 4 and 10, Lo discloses a golf club head comprising a body combination having a body frame structure 20 defining an outer surface of the golf club head and at least one body aperture where the body frame encompassing an aperture filler matrix 30 and 50 wherein the outer surface of the aperture filler matrix is at least in partial contact with the inner surface of the body frame and the inner surface of the filler matrix defines a hollow space, and a face plate 21 wherein the body structure has a face plate aperture comprising a perimeter substantially coincident with the face plate and has a face plate receiving ridge upon which the face plate is retained on the body frame structure (See Figures 2 and 3). Lo does not disclose what type of fastening mechanism is used to fasten the face plate to the body. Maxell discloses the club head wherein the face plate is fasten to the body by removable and reattachable fasteners, as taught by Maxell, one having ordinary skill in the art would have found it obvious to attach the face plate to the body using fasteners in order to allow the user to vary the types of face plates.

Claims 5-7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Anderson (USPN 5094383) further in view of Bliss et al. (USPN 6776723).

Regarding claims 5-7, 12, and 20, Lo does not disclose the club head having a tuning weight. Bliss et al. discloses a club head having a tuning weight attached to the interior surface of the club head body. One having ordinary skill in the art would have found it obvious to attach a tuning weight to the body, as taught by Bliss et al. in order to adjust the center of gravity and inertia of the club head.

Response to Arguments

Applicant's arguments filed 4/19/07 have been fully considered but they are not persuasive. Applicant argues that the club head of Lo is not hollow and that the aperture is not filled by the filler matrix. Still applicant has not looked at the reference closely. The interior lining and crown of Lo are made of the same material and the expansion pocket facilitates the attachment of the filler to the club head frame. It should be noted that the crown and the laminated member both make up the aperture filler matrix. In order for this to occur the club head must be heated to a particular temperature to produce nitrogen gas. Further the expansion pocket also contains water. The water would evaporate out of the club head based on common sense and after the entire process is complete the club head would be left with gas in the interior along with the filler matrix. If the applicant is considering that the club head is not hollow because of the gas, the instant application would not be enabled being that air would be left in the interior of the instant application. Furthermore the background of the invention describes how one would incorporate a laminated member and crown based on what is known in the art. From this, it is confirmed that the club head would be hollow and the laminate member would have a hollow interior.

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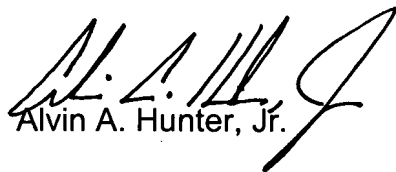
Based on the above, the instant claims are not allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 571-272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alvin A. Hunter, Jr.